

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: DANIEL P. FILOR
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Telephone: (212) 637-2726
Fax: (212) 637-2717

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
ZURAB KAKUSHADZE, A# 78-704-408,

Plaintiff,

-against-

MICHAEL CHERTOFF, Secretary of the
Department of Homeland Security, and
ROBERT MUELLER, Director, Federal Bureau
of Investigation,

Defendants.
----- X

07 Civ. 8338 (DCF)

ECF Case

Notice of Motion

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss and other pleadings filed in this action, MICHAEL CHERTOFF, Secretary of the Department of Homeland Security, and ROBERT MUELLER, Director of the Federal Bureau of Investigation, by and through their attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, will move this Court for an order dismissing the complaint pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, and for such other and further relief as the Court deems just and proper.

Dated: New York, New York
January 3, 2008

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Defendants

By: /s/ Daniel P. Filor
DANIEL P. FILOR
Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Tel.: (212) 637-2726
Fax: (212) 637-2717

To: Jan H. Brown, Esq.
Law Offices of Jan H. Brown, P.C.
1150 Avenue of the Americas, Suite 700
New York, New York 10036
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ZURAB KAKUSHADZE, A# 78-704-408,

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Certificate of Service

I, DANIEL P. FILOR, an Assistant United States Attorney for the Southern District of New York, hereby certify that on January 3, 2008, I caused a copy of Defendants' Notice of Motion, Memorandum of Law in Support of Defendants' Motion to Dismiss, Declaration of Heidi Buolle, and Declaration of Michael A. Cannon, to be served by Federal Express upon counsel for plaintiff at the below address:

Jan H. Brown, Esq.
Law Offices of Jan H. Brown, P.C.
1150 Avenue of the Americas, Suite 700
New York, New York 10036
Attorney for Plaintiff

David P. Fife

Daniel P. Filor